



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	121A	Manual Of Requirements For Adoption Agencies	11/3/2008
Subchapter:	2	Certification Procedures	
Section	3	Denying, suspending, revoking or refusing to renew a certificate of approval (N.J.A.C. 10:121A-2.3)	

§10:121A-2.3 Denying, suspending, revoking or refusing to renew a certificate of approval

(a) The Office of Licensing may deny, suspend, revoke or refuse to renew an adoption agency's certificate for good cause, including, but not limited to, the following:

1. Failure to comply with requirements of the State Adoption Law and of this chapter;
2. Violation(s) of the terms and conditions of a certificate;
3. Fraud or misrepresentation in obtaining a certificate or in the subsequent operation of the agency;
4. Refusal to furnish the Department with files, reports, records or other information as required by this chapter, or to cooperate with an inspection or investigation by the Department;
5. Refusal to permit an authorized representative of the Department to gain access to the agency during normal operating hours. An authorized representative includes:
 - i. A representative of the Office of Licensing;
 - ii. A representative of the Department for purposes of investigating allegations of child abuse or neglect;
 - iii. The Commissioner or his or her designee;
 - iv. The Commissioner of the Department or his designee; and
 - v. Any person specifically authorized by statute;
6. Any activity, policy or conduct that adversely affects or is deemed by the Office of Licensing to be detrimental to the families and children being served, including, but not limited to, violations of the requirements of N.J.S.A. 9:3-37 et seq., the State Adoption Law, N.J.S.A. 9:23-5 et seq.,

the Interstate Compact on the Placement of Children, N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14, State child abuse laws, and this chapter;

7. Failure of an out-of-State agency to maintain a license, approval or certificate in its own state;

8. Failure to employ the necessary qualified professional staff, as specified in N.J.A.C. 10:121A-4.4;

9. Failure by the agency or director to secure and to maintain on file documentation from the Department showing compliance with criminal conviction disclosures, as specified in N.J.A.C. 10:121A-4.2(a), Criminal History Record Information background checks, as specified in N.J.A.C. 10:121A-4.5, or Child Abuse Record Information background checks, as specified in N.J.A.C. 10:121A-4.6;

10. Refusal by the director to consent to or cooperate in a Criminal History Record Information background check or Child Abuse Record Information background check for himself or herself;

11. Refusal by the director to terminate the employment of a staff member who refuses to consent to or cooperate in a Criminal History Record Information background check or Child Abuse Record Information background check;

12. Refusal by the director to terminate the employment of a staff member when an allegation of child abuse or neglect has been substantiated against the staff member;

13. Refusal by the director to terminate the employment of a staff member convicted of a crime or offense requiring disqualification, as specified in N.J.A.C. 10:121A-4.5(e);

14. A substantiated allegation of child abuse or neglect against the director; and

15. Conviction by the director for a crime or offense requiring disqualification, as specified in N.J.A.C. 10:121A-4.5(e).

(b) If an agency's certificate is suspended, the Office of Licensing shall issue or reinstate the agency's certificate once the agency achieves compliance with the requirements of the State Adoption Law and of this chapter. In such a case, the Office shall not require the agency to submit a new application for a certificate unless such reapplication is expressly made a condition of the issuance or reinstatement of the certificate.

(c) The Office of Licensing shall provide written notice to the agency before denying, suspending, revoking or refusing to renew the agency's certificate. The notice shall specify the Office's reasons for such action.

(d) If the Office of Licensing denies, revokes or refuses to renew an agency's certificate of approval, and the reason(s) for the denial, revocation or refusal

have been resolved, the agency may reapply to the Office for a certificate in order to secure a new certificate prior to resuming operations.

(e) The Office of Licensing may impose conditions upon an agency's adoption services, and shall provide notice if an agency's certification will contain such conditions.

(f) Each certificate issued by the Office of Licensing to an adoption agency remains the property of the State of New Jersey. If an agency's certificate is suspended or revoked, or upon the permanent closing of the agency, the agency shall return the certificate to the Office immediately.

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